

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TEAIRRA CHISM,)	8:05CV124
)	
Plaintiff,)	
)	MEMORANDUM
vs.)	AND ORDER
)	
SEPTEMBERFEST, INC., et al.,)	
)	
Defendants.)	

This matter is before the court on a motion to dismiss filed by Defendant Septemberfest, Inc. (filing 41), filed pursuant to Federal Rule of Civil Procedure 12(b)(6). Plaintiff has not filed a response.

Defendant has submitted certain evidence (filing 43) in support of its motion. Consequently, the motion will be converted into a summary judgment motion and Plaintiff will be given additional time to respond and to submit evidence of her own as permitted by Federal Rule of Civil Procedure 56(c). See Fed. R. Civ. P. 12(b).

IT IS ORDERED that Plaintiff shall be allowed twenty (20) days from today's date to respond to Defendant Septemberfest, Inc.'s Rule 12(b)(6) motion (filing 41), which shall be treated as one for summary judgment and disposed of as provided in Rule 56.

October 24, 2005.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge